



General Assembly

**Substitute Bill No. 149**

January Session, 2009

\* SB00149TRA\_\_031609\_\_ \*

**AN ACT AUTHORIZING THE CITY OF NEW HAVEN TO CONDUCT A  
PILOT PROGRAM FOR THE USE OF AUTOMATED TRAFFIC  
CONTROL SIGNAL ENFORCEMENT DEVICES AT CERTAIN  
INTERSECTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective October 1, 2009*) (a) For the purposes of sections 1  
2 to 6, inclusive, of this act, "automated traffic control signal enforcement  
3 device" means a device that (1) is designed to automatically record the  
4 image of the license plate of a motor vehicle that is entering an  
5 intersection in violation of a traffic control signal, and (2) indicates on  
6 the recorded image produced the date, time and location of the  
7 violation and the traffic control signal.

8 (b) The city of New Haven, with the authorization of the mayor and  
9 the board of aldermen, may conduct a two-year pilot program for the  
10 installation and use of automated traffic control signal enforcement  
11 devices, at not more than twelve intersections selected by the city, to  
12 enforce the provisions of section 14-299 of the general statutes, and  
13 may establish a fine not to exceed one hundred dollars for any  
14 violation of said section 14-299 that is detected and recorded by such  
15 device. All costs of the pilot program shall be paid by the city of New  
16 Haven.

17 (c) Prior to the commencement of such pilot program, the city shall

18 prepare a detailed plan for the operation of the pilot program that shall  
19 include the objectives of the program, the name and location of the  
20 intersections where an automated traffic control signal enforcement  
21 device will be used, and the methods and criteria that will be used to  
22 evaluate the results of such program and its success in achieving such  
23 objectives. The plan shall be submitted to the Department of Public  
24 Safety for its review, comments and recommendations. Within thirty  
25 days following the receipt of such plan, the Commissioner of Public  
26 Safety shall issue the city of New Haven an official letter of approval  
27 for the pilot program. The city of New Haven shall conduct the pilot  
28 program in accordance with the plan approved by the commissioner.  
29 Upon receipt of the letter of approval, the city shall send a copy of such  
30 plan and letter of approval to the Department of Transportation, and  
31 shall report the location where each such automated traffic control  
32 signal enforcement device will be installed and used to the State Traffic  
33 Commission.

34       Sec. 2. (*Effective October 1, 2009*) (a) Whenever a violation of section  
35 14-299 of the general statutes is detected and recorded by an  
36 automated traffic control signal enforcement device, a sworn police  
37 officer shall review the recorded image. If, after such review, such  
38 officer finds probable cause that a violation of section 14-299 of the  
39 general statutes has occurred, the officer shall issue a citation for such  
40 alleged violation and shall, not later than five days after the alleged  
41 violation, mail such citation to the registered owner or the lessee of the  
42 motor vehicle together with a copy of the recorded image or images  
43 produced by the device. A citation shall not be issued under this  
44 subsection unless a sign was posted on the street, road or highway  
45 where the automated traffic control signal enforcement device was  
46 used, not less than thirty days prior to such use, providing notice to  
47 operators of motor vehicles that such device may be used to enforce  
48 traffic control signal laws on such street, road or highway.

49       (b) Any automated traffic control signal enforcement device used by  
50 the city of New Haven pursuant to this section shall: (1) Be activated

51 and record images only upon detecting the approach of a motor  
52 vehicle and a probable violation, and (2) be used only at an intersection  
53 where the duration of the yellow signal light is no less than the  
54 duration of the yellow signal light recommended under regulations  
55 adopted by the State Traffic Commission.

56 (c) One-half of any fine collected by the city of New Haven pursuant  
57 to this section shall be deposited in the general fund of the city or in  
58 any special fund or account of the city, as determined by the mayor  
59 and the board of aldermen, and one-half shall be paid to the State  
60 Treasurer for deposit in the Special Transportation Fund.

61 Sec. 3. (*Effective October 1, 2009*) (a) The city of New Haven shall  
62 establish by ordinance a traffic control signal violation hearing  
63 procedure in accordance with this section. The Superior Court shall be  
64 authorized to enforce the assessments and judgments provided for  
65 under this section.

66 (b) The mayor of New Haven shall appoint one or more traffic  
67 control signal violation hearing officers, other than police officers or  
68 persons who work in the police department, to conduct the hearings  
69 authorized by this section.

70 (c) The city of New Haven may, not later than twelve months after  
71 the expiration of the final period for the uncontested payment of fines,  
72 penalties, costs or fees for any alleged violation of section 14-299 of the  
73 general statutes detected and recorded by an automated traffic control  
74 signal enforcement device pursuant to section 2 of this act, send notice  
75 to the registered owner or the lessee of the motor vehicle by first class  
76 mail at such person's address according to the registration records of  
77 the Department of Motor Vehicles or the records of the lessor,  
78 respectively. Such notice shall inform the owner or lessee: (1) Of the  
79 allegations against such person and the amount of the fines, penalties,  
80 costs or fees due; (2) that such person may contest such person's  
81 liability before a traffic control signal violations hearing officer by  
82 delivering in person or by mail written notice not later than ten days

83 after the date thereof; (3) that if such person does not demand such a  
84 hearing, an assessment and judgment shall enter against such person;  
85 and (4) that such judgment may issue without further notice.

86 (d) If the person to whom notice is sent pursuant to subsection (c) of  
87 this section wishes to admit liability for any alleged violation, such  
88 person may, without requesting a hearing, pay, in person or by mail to  
89 an official designated by the city of New Haven, the full amount of the  
90 fines, penalties, costs or fees admitted to. Such payment shall be  
91 inadmissible in any proceeding, civil or criminal, to establish the  
92 conduct of such person or other person making the payment. Any  
93 person who does not deliver or mail written demand for a hearing by  
94 the tenth day after the date of the first notice provided for in  
95 subsection (c) of this section shall be deemed to have admitted liability,  
96 and the designated city official shall certify such person's failure to  
97 respond to the hearing officer. The hearing officer shall thereupon  
98 enter and assess the fines, penalties, costs or fees provided for by the  
99 applicable ordinances and shall follow the procedures set forth in  
100 subsection (f) of this section.

101 (e) Any person who requests a hearing shall be given written notice  
102 of the date, time and place for the hearing. Such hearing shall be held  
103 not less than fifteen days or more than thirty days after the date of the  
104 mailing of notice, provided the hearing officer shall grant upon good  
105 cause shown any reasonable request by any interested party for  
106 postponement or continuance. An original or certified copy of the  
107 initial notice of violation shall be filed and retained by the  
108 municipality, be deemed to be a business record within the scope of  
109 section 52-180 of the general statutes and be evidence of the facts  
110 contained therein. A person wishing to contest such person's liability  
111 shall appear at the hearing and may present evidence in such person's  
112 behalf. The presence of the police officer who authorized the issuance  
113 of the citation shall be required at the hearing if such person so  
114 requests. A designated city official, other than the hearing officer, may  
115 present evidence on behalf of the city. If such person fails to appear,

116 the hearing officer may enter an assessment by default against such  
117 person upon a finding of proper notice and liability under the  
118 applicable ordinance or statute. The hearing officer may accept from  
119 such person copies of police reports, documents of the Department of  
120 Motor Vehicles and other official documents by mail and may  
121 determine thereby that the appearance of such person is unnecessary.  
122 The hearing officer shall conduct the hearing in the order and form  
123 and with such methods of proof as the hearing officer deems fair and  
124 appropriate. The rules regarding the admissibility of evidence shall not  
125 be strictly applied, but all testimony shall be given under oath or  
126 affirmation. The hearing officer shall announce the hearing officer's  
127 decision at the end of the hearing. If the hearing officer determines that  
128 the person is not liable, the hearing officer shall dismiss the matter and  
129 enter the hearing officer's determination in writing accordingly. If the  
130 hearing officer determines that the person is liable for the violation, the  
131 hearing officer shall forthwith enter and assess the fines, penalties,  
132 costs or fees against such person as provided by the applicable  
133 ordinances of that municipality.

134 (f) If such assessment is not paid on the date of its entry, the hearing  
135 officer shall send by first class mail a notice of the assessment to the  
136 person found liable and shall file, not less than thirty days or more  
137 than twelve months after such mailing, a certified copy of the notice of  
138 assessment with the clerk of a superior court facility designated by the  
139 Chief Court Administrator with an entry fee of eight dollars. The  
140 certified copy of the notice of assessment shall constitute a record of  
141 assessment. Within such twelve-month period, assessments against the  
142 same person may be accrued and filed as one record of assessment.  
143 The clerk shall enter judgment, in the amount of such record of  
144 assessment and court costs of eight dollars, against such person in  
145 favor of the municipality. Notwithstanding any provision of the  
146 general statutes, the hearing officer's assessment, when so entered as a  
147 judgment, shall have the effect of a civil money judgment and a levy of  
148 execution on such judgment may issue without further notice to such  
149 person.

150 (g) A person against whom an assessment has been entered  
151 pursuant to this section is entitled to judicial review by way of appeal.  
152 An appeal shall be instituted not later than thirty days after the  
153 mailing of notice of such assessment by filing a petition to reopen such  
154 assessment, together with an entry fee in an amount equal to the entry  
155 fee for a small claims case pursuant to section 52-259 of the general  
156 statutes, at a superior court facility designated by the Chief Court  
157 Administrator, which shall entitle such person to a hearing in  
158 accordance with the rules of the judges of the Superior Court.

159 Sec. 4. (*Effective October 1, 2009*) Notwithstanding any provision of  
160 the general statutes, a violation of section 14-299 of the general statutes  
161 detected and recorded by an automated traffic control signal  
162 enforcement device pursuant to section 2 of this act shall not constitute  
163 an infraction or violation, be processed by the Centralized Infractions  
164 Bureau, be considered a moving traffic violation, be reported to the  
165 Department of Motor Vehicles for inclusion on a person's driving  
166 record or cause the assessment of points against the operator's license  
167 of the person found to have violated said section.

168 Sec. 5. (*Effective October 1, 2009*) For the purposes of sections 1 to 6,  
169 inclusive of this act, whenever a violation of section 14-299 of the  
170 general statutes occurs, proof of the registration number of any motor  
171 vehicle involved in such violation shall be prima facie evidence that  
172 the owner of such vehicle was the operator of such vehicle at the time  
173 such violation occurred, except in the case of a leased or rented motor  
174 vehicle, such proof shall be prima facie evidence that the lessee was the  
175 operator of such vehicle at the time such violation occurred.

176 Sec. 6. (*Effective October 1, 2009*) Not later than June 30, 2012, the city  
177 of New Haven shall submit a report to the General Assembly, in  
178 accordance with the provisions of section 11-4a of the general statutes,  
179 concerning the conduct and results of such pilot program. Such report  
180 shall include a comparison and analysis of: (1) The number of  
181 violations of section 14-299 of the general statutes that occurred at the  
182 intersections where such automated traffic control signal enforcement

183 devices were used, prior to and during the use of such enforcement  
 184 devices; (2) the number and type of related traffic violations and  
 185 accidents that occurred at such intersections prior to and during the  
 186 use of such enforcement devices; and (3) the number of violations of  
 187 section 14-299 of the general statutes and related violations and  
 188 accidents that occurred at intersections where such control signal  
 189 enforcement devices were used and at similar intersections where such  
 190 automated traffic control signal enforcement devices were not used.  
 191 The report shall also describe situations in which camera results could  
 192 not be used, or were not used; the number of leased, out-of-state or  
 193 other vehicles, including trucks, where enforcement efforts were  
 194 unsuccessful; the amount of revenue from fines retained by the city;  
 195 the cost of such pilot program to the city, and such other data or  
 196 comparisons deemed of interest or importance by the city.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section

**TRA**      *Joint Favorable Subst.*